
HOUSE BILL No. 1126

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-5-7-7.

Synopsis: Town marshal overtime. Provides that a town marshal or deputy marshal who is not covered by the federal Fair Labor Standards Act of 1938 must be paid time-and-a-half for more than 40 hours worked in a week.

Effective: January 1, 2001 (retroactive); January 1, 2002 (retroactive).

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January 8, 2002, read first time and referred to Committee on Local Government.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1126

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-5-7-7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 7. (a) This section**
4 **applies to compensation set by a town under:**

5 **(1) section 1 of this chapter for a town marshal; or**

6 **(2) section 6 of this chapter for a deputy marshal.**

7 **(b) This section does not apply to a town that is subject to the**
8 **minimum wage provisions of the federal Fair Labor Standards Act**
9 **of 1938, as amended (29 U.S.C. 201 et seq.).**

10 **(c) IC 22-2-2-4(j) and IC 22-2-2-4(l) through IC 22-2-2-4(v) do**
11 **not apply to a town marshal or a deputy marshal.**

12 **(d) For employment exceeding forty (40) hours in a work week,**
13 **a town shall compensate a town marshal or deputy marshal at a**
14 **rate that is not less than one and one-half (1 1/2) times the regular**
15 **rate (as defined in IC 22-2-2-4(k)) at which the town marshal or**
16 **deputy marshal is paid.**

17 SECTION 2. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]

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1 **IC 36-5-7-7, as added by this act, does not apply during the term of**
2 **a written contract of employment or bona fide collective**
3 **bargaining agreement that is entered into before January 1, 2001,**
4 **and establishes the complete terms of compensation for a town**
5 **marshal or deputy marshal for any period after December 31,**
6 **2001.**

7 SECTION 3. An emergency is declared for this act.

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